

# **EXHIBIT A**

*Cooper v. Winking Lizard, Inc.*  
Case No. 1:16-cv-01513-DAP (N.D. Ohio)

**NOTICE OF LAWSUIT**

**1. What is this Notice about?**

This Notice is about a lawsuit that you may choose to join.

**2. What is the lawsuit about?**

The lawsuit is about whether servers and bartenders who worked at Winking Lizard Tavern restaurants were paid all earned minimum wages. Victoria Cooper, Christopher Sanford, Tyrone Kenner, and Taylor Downs, who used to work at Winking Lizard Tavern restaurants, filed this lawsuit against Winking Lizard, Inc. and affiliated companies (the “Company”).

The lawsuit claims that the Company violated federal minimum wage law by paying servers and bartenders less than the hourly minimum wage while (1) requiring them to perform improper types, and excessive amounts, of non-tipped work, and (2) requiring them to reimburse the Company from their tips for customer walkouts and cash register mistakes. The Company denies the allegations in the lawsuit.

**3. Why did I get this Notice?**

You got this Notice because the Company identified you as a server or bartender that worked for one of the Company’s Winking Lizard Tavern restaurants during the last three years, the time period covered by this lawsuit.

**4. How do I join the lawsuit?**

You can join the lawsuit one of two ways. First, you can complete the enclosed/attached Consent to Join form and mail it in the pre-paid, pre-addressed envelope. Second, you can sign the Consent to Join form that was sent to you by email and submit it electronically through DocuSign. Your lawyers, identified in Paragraph 9, will file your Consent to Join form with the Court, so please review it before you sign.

**5. When do I need to submit the Consent to Join form to join the lawsuit?**

To join the lawsuit, you must postmark or return the Consent to Join form by **[insert date 60 days from mailing date]**. If you do not postmark or return the Consent to Join form by **[insert date 60 days from mailing date]**, you may not be able to join the lawsuit.

**6. What happens if I join the lawsuit?**

If you join this lawsuit, you will be bound by its outcome. This means that if the servers and bartenders win the lawsuit or obtain a settlement, you may receive a payment. If the servers and bartenders lose the lawsuit, you will not receive any money. During the lawsuit, you may be required to answer written questions, potentially give a deposition, and/or provide documents

relating to your employment.

**7. What happens if I decide not to join the lawsuit?**

If you do not join the lawsuit, you will not be bound by its outcome. This means that regardless of the result in this lawsuit, you are free to file your own lawsuit, either on your own behalf or through an attorney.

**8. Can the Company retaliate against me for joining this lawsuit?**

No. Federal law prohibits the Company from firing you or taking any adverse action against you because you decided to join the lawsuit.

**9. Who will be my lawyers if I join the lawsuit, and how will the lawyers be paid?**

If you join the lawsuit, you will be represented by Douglas M. Werman and members of his law firm, Werman Salas P.C, Clifford Bendau and members of his firm, The Bendau Law Firm PLLC, (contact information below), and James Simon.

The lawyers representing the servers and bartenders will only be paid if they win the lawsuit or obtain a settlement. If either happens, the lawyers may receive their fees and costs from the Company and/or may receive part of any money awarded by the Court or obtained through a settlement. If the servers and bartenders lose the lawsuit, you will not have to pay your lawyers, though you could be required to pay a share of the Company's defense costs.

**10. How will I know if I joined the lawsuit?**

Your lawyers will contact you to confirm you joined the case. If you are not contacted in a reasonable period of time, please contact Mr. Bendau (contact information below).

**11. How do I get more information about the lawsuit?**

If you have questions about this Notice or the lawsuit, please write, call, or e-mail one of the attorneys for the servers and bartenders listed below.

**Douglas M. Werman**  
**Werman Salas P.C.**  
**77 W. Washington, Suite 1402**  
**Chicago, IL 60602**  
**Phone: (312) 419-1008**  
**Fax: (312) 419-1025**  
**Email: info@flsalaw.com**

**Clifford P. Bendau, II**  
**The Bendau Law Firm PLLC**  
**P.O. Box 97066**  
**Phoenix, AZ 85060**  
**Phone: (216) 395-4226**  
**cliffordbendau@bendaulaw.com**

THIS NOTICE HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO. THE COURT HAS TAKEN NO POSITION ON THE MERITS OF THIS LAWSUIT.

PLEASE DO NOT CALL OR WRITE THE JUDGE IN THIS LAWSUIT. THE JUDGE CANNOT ANSWER QUESTIONS ABOUT THIS LAWSUIT OR THIS NOTICE.

### CONSENT TO JOIN

I agree to join the lawsuit *Cooper v. Winking Lizard, Inc.* (“the Lawsuit”) to pursue owed wages under the Fair Labor Standards Act.

I select Werman Salas P.C., The Bendau Law Firm PLLC, and James Simon (“the Firms”), and any of their associated attorneys, to represent me in the Lawsuit and, along with Victoria Cooper, Christopher Sanford, Tyrone Kenner, and Taylor Downs, to make decisions on my behalf, including how to conduct the Lawsuit, settlement, and all other matters related to the Lawsuit. I agree to provide the Firms one-third (33 1/3%) of any recovery they obtain on my behalf in the Lawsuit or the reasonable hourly value of their legal services for the time expended in the Lawsuit, as paid by Defendants, whichever is greater. If no recovery is obtained, no fee is owed by me. I authorize the Firms to deduct from any recovery my pro rata share of any reasonable costs incurred by the Firms on my behalf.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**You may return this form by:** mail in the pre-paid envelope to Werman Salas P.C., 77 W. Washington St. Chicago, IL 60602, email to [info@flsalaw.com](mailto:info@flsalaw.com), fax to 312-419-1025, or electronically through DocuSign with the link sent to you by email.

\*\*\*Note: This Lower Portion Will Not Be Filed With the Court\*\*\*

Phone Number: \_\_\_\_\_ Street Address \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Where you worked: \_\_\_\_\_

Position(s) you held: \_\_\_\_\_

Approximate dates of employment: \_\_\_\_\_